

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER CARDINAL, et al.,
Plaintiffs,
v.
JOHN LUPO, et al.,
Defendants.

Case No. [18-cv-00272-JCS](#)

**ORDER DENYING DEFENDANT'S
MOTION IN LIMINE NO. 4**

Re: Dkt. No. 152

Defendant John Lupo moves to exclude the testimony of Plaintiff Christopher Cardinal's sole expert witness Steven Boyles on the basis that Cardinal failed to make Boyles available for a deposition before the close of expert discovery. This dispute is but the latest example of both parties' chronic failure to complete discovery, raise discovery disputes, and resolve discovery disputes in a timely manner throughout this case. The parties' submissions related to this motion make clear that both parties are at fault for this deposition having not yet occurred.

Cardinal's counsel states in his declaration, and defense counsel does not dispute, that "the parties agreed that Mr. Boyles would be deposed on November 15, 2019." Crawford Decl. re Def.'s Motion in Limine No. 4 ¶ 11. The Court hereby ORDERS that the deposition shall occur on that date. This motion in limine is DENIED.

The Court will address the parties' remaining motions in limine at the November 22, 2019 pretrial conference.

IT IS SO ORDERED.

Dated: November 4, 2019


JOSEPH C. SPERO
Chief Magistrate Judge